

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**MICHAEL D. ROSE on his own
behalf and on behalf of all others
similarly situated, et al.**)
)
)
Plaintiffs,)
)
v.)
)
JEFF S. SANDY, et at.,)
)
Defendants.)
_____)

**Civil Action No. 5:22-cv-00405
(Judge Volk)**

**PLAINTIFFS' RENEWED MOTION TO COMPEL RALEIGH COUNTY COMMISSION
TO RESPOND FULLY AND ADEQUATELY TO DISCOVERY**

COME NOW Plaintiffs, and pursuant to Rule 37 of the Federal Rules of Civil Procedure, hereby renews *Plaintiffs' Motion to Compel Raleigh County Commission to Respond Fully and Adequately to Discovery* [ECF 432]. Plaintiffs incorporate their earlier-filed motion and the Certification, attached hereto, by reference. Specifically, Plaintiffs seek production of attachments to the monthly WVDOCR invoices directed to the Raleigh County Commission. These documents reflect the number and types of Raleigh County inmates incarcerated at Southern Regional Jail by month. All other counties have produced these documents, and there is no dispute that the Raleigh County Commission was provided these documents by the WVDOCR monthly.

Based upon the facts and information available to the Court, an order compelling the Raleigh County Commission to supplement its discovery responses is proper under Rule 37, as is an award of costs based upon the ongoing failure of the Raleigh County Commission to supplement discovery after multiple requests and an August 14, 2023, representation to this Court that discovery would be forthcoming.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant their motion to compel, award costs, and grant all such other relief as the Court deems just and proper.

MICHAEL D. ROSE, on his own behalf and
on behalf of all those similarly situated,

By Counsel,

/s/ Amanda J. Taylor

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Plaintiffs,

V.

JEFF S. SANDY, et at.,

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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs hereby certifies that a true and correct copy of the foregoing *Memorandum of Law in Support of Plaintiffs' Renewed Motion to Compel Raleigh County Commission to Respond Fully and Adequately to Discovery* was filed with the clerk on October 17, via the Court's CM-ECF Filing System which will provide electronic notification to all counsel of record.

/s/ Amanda J. Taylor
Amanda J. Taylor (WVSB No. 11635)